

Co., Hampton, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no marks, brands, or labels other than express tags with the name and address of the consignor. Adulteration of the product was alleged in the libel for the reason that it had mixed and packed with it, and substituted in part for it, a certain substance, to wit, methyl salicylate, in such manner as to reduce, and lower, and injuriously affect the quality and strength of said product, and, further, for the reason that it was colored in such manner as to conceal its inferiority. Misbranding was alleged for the reason that the product was an imitation of, and offered for sale under, the distinctive name of another article, to wit, methyl salicylate, in imitation of, and offered for sale under, the distinctive name of oil of sweet birch.

On January 6, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3213. Adulteration and misbranding of oil of wintergreen. U. S. v. 1 Can of Oil of Wintergreen. Default decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5399. S. No. 1987.)

On October 30, 1913, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 can containing about 47 pounds of a product purporting to be oil of wintergreen, remaining unsold in the original unbroken package and in possession of C. F. Polk, Troy, N. Y., alleging that the product had been shipped by V. B. Bowers, Elk Park, N. C., and transported in interstate commerce from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a certain substance consisting chiefly of methyl salicylate had been mixed and packed with the article so as to reduce, and lower, and injuriously affect the quality and strength of said article of food, and, further, in that said methyl salicylate had been substituted wholly or in part for the original oil of wintergreen therein in such a manner as to reduce, lower, and injuriously affect the quality and strength thereof, thereby rendering the same unfit for food.

On January 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and that the misbranding thereof consisted in that whereas the same was represented to be oil of wintergreen, in fact and in truth, it consisted in whole or in part of methyl salicylate, and that the label thereon contained was calculated and intended to deceive and mislead the purchaser of said oil of wintergreen, the court further finding that the product was a food product and also used in drugs and was adulterated and deleterious to health. It was ordered by the court that upon payment of the costs of the proceeding, amounting to \$27.95, and the execution of bond in conformity with section 10 of the act in the sum of \$100, said product should be redelivered to C. F. Polk, Troy, N. Y. When this case was reported for action, no claim was made that the presence of methyl salicylate in the product rendered it unfit for food or that the product was deleterious to health.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

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